

CITY OF MANSFIELD

ORDINANCE NO _____ OF 2012.

AN ORDINANCE AMENDING THE CITY OF MANSFIELD CODE BY DELETING CHAPTER 5 SECTION 5.31 THROUGH 5.33. (4) AND REPLACING THOSE PROVISIONS WITH CHAPTER 5 BELOW REGARDING SMALL DOMESTIC ANIMALS.

BE IT ORDAINED by the Mayor and Councilmen of the City of Mansfield, Louisiana, after public hearing as prescribed by law, that the Mansfield Code is amended as follows:

Section 1: Chapter 5 Section 5.31 through 5.33(4) of the Mansfield Code are hereby deleted and replaced with the following Chapter 5 as follows:

CHAPTER 5
ANIMALS AND FOWL*

State law references: Regulation of dogs by local authorities, R.S. 3:2731 et seq. local regulation of livestock on public highways, R.S. 3:3001 et seq.; Rabies Control Law, R.S. 40:1275. Title 14. Criminal Law Chapter 1 Criminal Code. Part VI. Offenses Affecting the Public Generally. Subpart B. Offenses Affecting the Public Sensibility. §102. Definitions; cruelty to animals - §102.1 - 26.

ARTICLE I. IN GENERAL

Applicability

This ordinance shall be effective in and apply within the incorporated boundaries of the City of Mansfield, Louisiana, and shall hereinafter be referred to as the "Mansfield Animal Control Ordinance".
(Previously Code 1964, §5-6)

Definitions¹

For the purpose of this ordinance, the following terms, phrases, words, and derivations when used in this chapter, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

Abandon shall mean the act of completely forsaking or deserting an animal previously under the custody or possession of an owner or keeper without making reasonable arrangements for its proper care, sustenance, and shelter.

Adopter: A person who is legally competent to enter into a contract and who is adopting or buying a dog or cat from a releasing agency.

Adult animal: Any dog or cat that has reached the age of 180 days or six months or more.

Aggravated Cruelty shall mean an act by any person who intentionally or with criminal negligence mistreats any living animal whether belonging to him or another by any act or omission which causes or permits unnecessary or unjustifiable physical pain, suffering, or death.

Animal shall mean any vertebrate creature, living or dead, domestic or wild, including but not limited to mammals, birds, fowl, reptile, amphibian, and fish, except when referring specifically to the control of rabies when the word "animal" shall mean only mammal. For the purposes of this ordinance, animal shall not include homo sapiens.

Animal control services shall mean the entity comprised of the Director, supervisor, animal control officers,

kennel technicians, office staff, and facility for impounded animals.

Animal control officer shall mean any person employed by the city or parish government and charged with the enforcement of this ordinance.

Animal services facility shall mean the parish animal services and adoption center operated by the parish police jury.

At-large. An animal shall be deemed at large if, while unaccompanied by its owner or keeper, it is unrestrained on any road, street, public place, or trespasses on the premises of any person other than its owner. Hunting, law enforcement and stock dogs while being worked by a responsible person shall not be defined as at-large.

Attack shall mean aggressive, unprovoked behavior by an animal that would involve biting and/or shaking of its victim.

Basic medical care shall mean general health treatment expected for the care of the animal, as prescribed by the American Veterinary Medical Association.

Bird shall mean any of a class (Aves) of warm-blooded vertebrates distinguished by having the body more or less completely covered with feathers and the forelimb modified as wings. For the purposes of this article, fowl, poultry, or ratites are not defined as birds.

Bite shall mean any puncture, tear, or abrasion of the skin inflicted by an animal.

Bona fide, for purposes of this ordinance, shall mean as verified by the Animal Facility Director or its designated agents.

Cat shall mean a feline or the family thereof, either domestic or feral.

Collar shall mean a band, chain, harness, or other device worn around the neck of an animal specifically designed to be used for the animal to which a vaccination tag must be affixed.

Companion animal shall mean an animal; (including, but not limited to a dog or cat), whose species has adapted to life in close association with a human owner or keeper, (i.e. rabbit, ferret).

Confinement devices shall mean an effective electronic or signal system designed to act as a boundary or enclosure.

Confinement requirements (dangerous) shall mean a securely enclosed and locked pen or structure suitable to prevent a dog from coming into contact with a human being other than the owner or any other animal and designed to prevent the animal from escaping. Pen or dog run area must have a secure top connected to the sides to assure that the animal cannot climb out. It shall also include a dog house or area to provide the dog with shade and protection from the elements. The pen shall provide a humane existence for the dog in addition to protection from the elements. When allowed on a leash, owner will muzzle dog.

Confinement requirements (general) shall mean no person shall suffer or permit any dog in his possession, or kept by him about his premises, to run at large on any unenclosed land, or trespass upon any enclosed or unenclosed lands of another. Nothing in this Part shall prevent any citizen of this state from lawfully hunting with a dog, provided the dog is accompanied by the owner or keeper.

***State law references:** R. S. §3:2771; Dogs not to run at large, §3:2775; use of dogs for hunting.

Cruelty shall mean an act inflicted upon an animal with malicious intent to cause unjustifiable physical pain and or suffering to the animal.

Dangerous animal shall mean any animal which:

- a) When unprovoked, attacks, bites, inflicts injury or otherwise assaults a human being or domestic animal or chases or approaches a person upon the streets, sidewalks or any public grounds in a menacing or terrorizing manner or apparent attitude of attack;
- b) Has a known propensity or disposition to attack unprovoked;
- c) Has undergone quarantine for rabies observation two or more times within a two-year period; or
- d) Is not securely confined or tethered and jeopardizes any postal carrier, meter reader, inspector or other lawful invitee on the property of the owner.

Director shall mean the Director of the T. B. Yopp Jr. Animal Facility.

Dog shall mean relating to canines, the family canidae, not including wildlife.

Dog fighting shall mean an organized event wherein there is a display of combat between two or more dogs in which the fighting, killing, maiming, or injuring of a dog is the significant feature, or main purpose, of the event.

Euthanasia shall mean the humane destruction of any animal accomplished by a method that involves the use of an agent which produces painless loss of consciousness and subsequent death during such loss of consciousness.

***State law references:** Animal euthanasia with sodium pentobarbital, R.S. 40:1041 et seq.; animal euthanasia technicians, R.S. 37:1551 et seq.

Excessive barking: Unprovoked animal noises of such a loudness, intensity and duration as to prevent or interfere with a person's ability to enjoy his property, included but not limited to situations where:

- 1) On more than one occasion has awakened the complainant up from sleep; or
- 2) Continues in such a manner so as to cause mental anguish or suffering, loss of sleep or a disturbance of the peace.

Exotic species shall mean any species of animal born or whose natural habitat is outside the continental United States as well as any non-domesticated animal indigenous to the U.S.A. which can normally be found in the wild state which is legally marketed within the pet market (see also wildlife/wild animal below).

Guard dog: Any dog that is utilized at a commercial establishment or that is used by commercial entity to provide security protection for employees, employers, property, goods and or equipment.

Humane society shall mean a not-for-profit 501(c) 3 status organization acting on behalf of the welfare of animals. (Example: Friends of the Animals)

Impound shall mean any act whereby an animal is taken into custody by an animal control agency or provider of animal control services for the city or parish where an at large animal is found.

Isolation: The secure, humane confinement of a dog or cat that has been bitten by a known rabid animal so as to prevent such dog or cat from coming in contact with any other animal. Isolation enclosures shall be so constructed and secured that entry will be limited to the owner of the confined dog or cat, with the primary enclosure so located within a secondary enclosure to prevent accessibility to the public.

Leash shall mean a rope, chain or cord not more than 15 feet in length, or an electronic device, which is of sufficient strength to control the action of the animal and is affixed to such animal for maintaining direct control of the animal.

Microchip shall mean an identification device approved by the animal facility Director which is intended to be implanted within an animal for identification purposes.

Mutilating shall mean a physical alteration of any domesticated animal by anyone not trained to do so.

Nuisance by an animal: The damaging, soiling, defiling, urinating or defecating upon, or repeatedly trespassing upon property other than its owner's, excessive barking or noise making so as to disturb the peace and repose of persons living or working nearby, molesting, threatening, attacking or interfering with persons on private or public property, chasing motor vehicles or bicycles, attacking other domestic animals, or disturbing or turning over garbage or trash containers, or causing unsanitary conditions or odors on or about the premises of its owner by urination or defecation.

Owner shall mean any person, business, corporation, or other legal entity that has a right of property in an animal, who keeps in his care, harbors, acts as custodian or guardian, permits an animal to remain on or about his premises, or feeds the animal for more than three (3) days.

Police animal shall mean any dog which is owned or the service of which is used by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

Properly fitted shall mean, with respect to a collar, a collar that measures the circumference of an animals' neck plus at least one inch.

Proper feed shall mean the provision at least every twenty-four (24) hours of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain an adequate level of nutrition in each animal.

Proper shelter shall mean the provision of a suitable source of shelter from the elements so as to prevent unnecessary or unjustified pain or suffering to an animal.

Proper water shall mean constant access to a supply of clean, fresh water provided in a sanitary manner and appropriate for the species at least every twenty-four (24) hours.

Provoke shall mean any action which arouses, tempts, stimulates, or stirs an animal to action.

Restraint shall mean a chain, rope, tether, leash, cable, or other device that attaches an animal to a running line, pulley, or trolley by means of a collar that is not of a pinch-type, prong-type, choke-type, or improperly fitted.

Releasing agency: An animal pound, shelter, humane organization, or animal control agency, whether public or private. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

Severely injured shall mean any animal which because of major trauma, broken bones, blood loss, or other easily apparent life-threatening condition, is not expected to live or is in severe pain of suffering.

Sterilization: The surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

Unsanitary conditions shall mean any conditions which encourage the breeding of parasites, insects, and flies and causes odors offensive to a reasonable person.

Vaccination against rabies shall mean an inoculation with a recognized anti-rabies vaccine by a state licensed veterinarian or other qualified person under the direct supervision of a veterinarian.

Vaccination rabies certificate shall mean a numbered certificate, giving the name of the animal owner, description of animal, year issued, valid time period, and certifying the animal was vaccinated against rabies by a state licensed veterinarian. The rabies vaccination tag number shall be recorded on the rabies vaccination certificate.

Vaccination rabies tag shall mean a suitable tag bearing the same number as the rabies vaccination number recorded on the vaccination rabies certificate and the year issued.

Veterinarian shall mean any person duly licensed to practice veterinary medicine by the state of his residency.

Veterinary hospital shall mean a place where medical and surgical treatment is administered to the animals by or under the direct supervision of a veterinarian.

Vicious dog: A dog which has:

- (1) Attacked and caused severe and gross injuries or death to a human being.
- (2) Previously been classified as "dangerous" and subsequent thereto a violation of subsection "Dangerous dog" occurs.
- (3) Has previously been classified as dangerous and is found to be at large two (2) or more times.
- (4) Extenuating circumstances may allow the Director or Animal Control Advisory Committee additional discretion in determining if an animal is vicious.

No dog shall be deemed vicious simply by its breed.

Wildlife/wild animal shall mean any animal which occurs naturally, either presently or historically, in a wild state within the boundaries of the United States, including, but not limited to, animals indigenous to Louisiana. This includes any animal which is part wildlife (**hybrids**) as classified in the Compendium of Animal Rabies Control and the National Association of State Public Health Veterinarians.

***State law references:** Cruelty to animals generally, R.S. 3:2361 et seq.; requirements that parish government(s) provide for the punishment for cruelty to animals, R.S. 3:2392.

Cruelty to Animals Prohibited

(a) Any person who intentionally or with criminal negligence commits any of the following shall be guilty of cruelty to animals:

- (1) Overdrives, overloads, drives when overloaded, or overworks a living animal;
- (2) Torture, torment, cruelly beat or unjustifiably injures, maims, mutilates, or kills any living animal, whether belonging to him or another;
- (3) Having charge, custody, or possession of an animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper drink, proper shelter, or proper veterinary care;
- (4) Abandons any animal;
- (5) Impounds or confines or causes to be impounded or confined in a pound or other place, a living animal and fails to supply it during such confinement with proper food, proper drink, and proper shelter;
- (6) Carries, or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel or inhumane manner;
- (7) Expose any known poisonous substance or noxious drug, whether mixed with food or not, so that it may be eaten by any domestic animal, provided that it shall not be unlawful for a person to expose, on his own property, common rat poison mixed only with vegetable substances, nor shall any person in any other manner whatsoever intentionally poison any other animal other than rats.
- (8) Kills or injures any animal belonging to another person without legal privilege or consent of the owner;

- (9) Mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering, or death is caused to or permitted upon the animal;
- (10) Causes or procures to be done by any person any act enumerated in this section.
 - (a) This section shall not apply to the lawful hunting or trapping of wildlife as provided by law, herding of domestic animals, accepted veterinary practices, and activities carried on for scientific or medical research governed by accepted standards.
 - (b) For purposes of this section, fowl shall not be defined as animals.

***State law references:** Definition of cruelly-ill treat, R.S. 3:2462(2). Definitions, cruelty to animals; R.S. 102 – 102.1

Penalty

Any person who is convicted of a violation of this ordinance shall, on a first offense, be fined not more than Three Hundred (\$300.00) Dollars or imprisoned, without hard labor for a period not to exceed sixty (60) days. Any person convicted of a second offense cruelty to animals under this ordinance shall be fined not more than Five Hundred (\$500.00) Dollars, or imprisoned, without hard labor, for a period not to exceed six (6) months, or both. Each day cruel treatment occurs shall be considered as a separate offense.

(Ord. of 2-2007, §1-4)

ARTICLE II. DOMESTIC ANIMALS

DIVISION 1. GENERALLY

Owner's responsibilities; requirements for possession.

Owners of dogs and cats shall be responsible for compliance with the following:

- (1) All dogs and cats, except any dog that is being trained for, or being used for the common and accepted practices associated with search and rescue and the legal hunting of game, including birds and animals, and the herding of livestock, shall be kept from running at large. The owner of a cat or dog which causes damage to another person's property shall be responsible for that damage. If a cat is shown to have damaged, with its claws, another person's property, the owner of the cat is financially responsible for the cost to repair the damages. If a dog causes damage to another person's property, the owner of the dog is financially responsible to the cost to repair the damages. Failure of the owner to follow the ordinance may result in the animal being seized and humanely disposed of.
- (2) Owners shall be responsible for practicing a flea and tick program.
- (3) Owners of animals that bite an individual or another animal are responsible for notifying the Animal Services Facility immediately.
- (4) It shall be the responsibility of the owner to confine animals in a fenced area in a manner that will prevent the escape of said animal.
- (5) The owner of any dog housed outside shall provide a proper shelter which will provide adequate protection from the elements. This includes but is not limited to a doghouse, enclosure, or ready access to an already existing structure. The shelter must provide basic protection from the elements. In addition, the owner shall provide the dog access to an adequate water supply. The owner shall provide adequate food for the dog and must feed the dog at least once each twenty-four (24) hour period.
- (6) No owner shall tether a dog to a moveable object in which the dog must physically move the object in order to move about the enclosure.
- (7) No owner shall tether an animal on vacant property or any property not owned or rented by the owner of the animal.
- (8) No owner shall tether their dogs to a stationery object or otherwise in a manner that would endanger the health, safety, or welfare of others or prevent emergency personnel from gaining safe and immediate access to the main entrance to the residence.
- (9) Any owner who legally tethers their dog must ensure:
 - a. The dog is tethered within an enclosed area restricting the animal to the owner's property.
 - b. The dog is secured in such a way where the tether will not become wrapped or entangled as to restrict

the original length of the tether.

(10) It shall be unlawful for any occupant or owner of a dwelling to keep or allow to be kept outdoors or the premises of any dwelling more animals than:

- a. There is adequate space to house said animals.
- b. The additional animals do not create a health risk for the humans or other animals which occupy the residence.
- c. The additional animals do not degrade the environment for the surrounding residences.
- d. All animals on the property have been properly vaccinated.
- e. The owner/caretaker of the dwelling has not received any legitimate animal complaints from adjacent residences or the surrounding neighborhood.

(11) Must ensure any guard dog is registered with the Animal Services Facility.

(12) Owners of dogs that have been declared "dangerous" must register the dogs with the Animal Facility and abide by the provisions set forth in Section entitled "Dangerous dog, vicious dog".

(13) Owners are responsible for limiting the number of cats in their possession so as they will not create a nuisance.

(14) It shall be unlawful for an owner's animal to cause a nuisance by excessive noise by barking or otherwise causes a foul or offensive odor

(15) Any dog, whether vaccinated or otherwise shall not be permitted to run at large on any street, road, or other public place within the City of Mansfield.

(16) Leashes are required on all dogs, in park areas, school grounds, buildings, day care centers, or public places.

(17) Pit bulls, Rottweiler's, and Dobermans must be confined at all times.

(18) Pit Bulldogs.

a. It is unlawful for a person to allow a pit bulldog on the streets, sidewalks, and other public ways of the city even on a leash, except when a person has on his/her body or within immediate control of the following:

- (1) Proof that the person(s) owns the dog.
- (2) Proof of liability insurance coverage of a minimum of one hundred thousand dollars (\$100,000.00).
- (3) Proof of rabies vaccination within past twelve (12) months.
- (4) Proof of micro-chip identifying animal, address of occupancy, and animal owner.

b. Whoever shall violate the provisions of this section shall be guilty of a misdemeanor and subject to a fine of up to one hundred fifty dollars (\$150.00), imprisonment of thirty (30) days or both.

(Ord. No. 2-2003, §§ 1, 2, 5-12-03)

***State law reference:** R.S. §3:2771; Dogs not to run at large; §3:2775; Use of dogs for hunting.

Impoundment of dogs and cats, disposition, identification and classification.

(a) It shall be the duty of the Animal Facility Director or any of his designated agents to seize and impound any at large stray dog or cat not tagged with the current official vaccination tags. Any dog or cat so seized and impounded shall be held for a period of at least four (4) working days during which time the owner may reclaim the dog or cat. The Director may also seize and impound tagged dogs which are at large. Owners shall be notified by phone and/or door tag notice(s) that the animal has been impounded. A brief description of all lost or impounded animals will be posted on the DeSoto Parish Animal Control web site: "www.DeSotopac.com". Any collared and tagged dog which is impounded shall be held for a period of seven (7) working days during which time the owner may reclaim the dog. To reclaim an impounded dog or cat, the owner must pay redemption and board fees and provide satisfactory proof of ownership. If the dog or cat is not legally vaccinated, the owner shall be required to pay an additional fee for failure to vaccinate said animal.

(b) Any dog or cat impounded by the Animal Facility and not reclaimed by the owner within the prescribed time limits may be placed for adoption or humanely euthanized. A good faith attempt to notify the owner at his last known address shall always be made first if the name of the owner is known. Upon notification, the owner shall have four (4) working days from such notice to redeem the animal after which it may be adopted out as a pet or humanely euthanized. If, upon notification, the owner does not wish to

reclaim the animal and signs a release of his rights therein, the animal may be placed for adoption as a pet or humanely euthanized at the discretion of the Director.

(c) The Animal Facility Director may order the timely euthanasia for any animal lawfully taken into custody at the Animal Facility which, in the opinion of the Director, is necessary by reason of medical, age, or physical condition of the animal or is appropriate by reason of the animal's temperament or as is required for other humane reasons.

(d) Owners of unwanted animals may bring their animals to the animal facility and release them to be adopted out or disposed of at the discretion of the Director. Should an owner want to redeem an animal which has been released, all impoundment, board, and vaccination fees as applicable, must be paid in full.

(e) It shall be the duty of the Animal Facility Director or his designated agents to seize any companion animal, including, but not limited to dogs and cats, found to be at large, and any non-domesticated (wild) animal that is a potential public health hazard, a nuisance, or is sick or injured.

(f) Non-domesticated animals shall be relocated to an appropriate species facility or humanely euthanized at the discretion of the Director.

(g) Any person adopting an unspayed or unneutered animal from the Animal Services Facility must sign an adoption agreement to have the animal spayed or neutered within thirty (30) days or by six (6) months of age for a female or a male, and must pay the adoption fee which includes vaccinations and a low cost spay/neuter fee established by resolution of a "Fee Schedule" by the City Council. The Animal Facility staff will issue a receipt for said adoption fee and the amount thereof will be paid only to the veterinarian(s) selected by the animal facility to perform the surgery. The Animal Facility shall perform follow-up investigations to confirm compliance with this section, and failure to comply shall constitute a waiver of all rights of the adopting party in and to the animal, returning full custody of the animal to the Animal Facility and shall further constitute forfeiture of all fees paid by said party in connection with the adoption.

Enforcement by City of Mansfield and DeSoto Parish Director of Animal Services.

The provisions of this chapter shall be enforced by the Mayor, Chief of Police, and police force of the City of Mansfield, Animal Services Facility Director and his designated agents with the assistance of parish or municipal law enforcement officials per parish-municipality cooperative endeavor agreements as they may be entered into from time to time. Any power or authority granted herein to the *Director* and/or the Animal Services Facility Director may also be exercised by the Mayor of the City of Mansfield, or persons authorized by the Mayor

(a) The Mayor and/or the Animal services facility Director shall have the authority to assign animal control officers and such other personnel as it deems proper and necessary for maintaining a public animal control facility and to enforce the provisions of this chapter.

(b) The Mayor and/or the Animal services facility Director shall assign animal control officers, who have successfully completed training sufficient to allow compliance with Louisiana revised statutes and local ordinances enacted. Additionally, each animal control officer must receive euthanasia certification through the [State of] Louisiana State University Veterinary School or a temporary certification approved and administered by a Louisiana state licensed veterinarian to be able to euthanize animals.

(c) The Mayor, Chief of Police and/or the Director and duly assigned animal control officers shall have authority to exercise the following limited police powers:

(1) Issue citations for the enforcement of this chapter, as well as take action necessary to enforce state statutes regarding animals.

(2) Obtain warrants for such violations and assist law enforcement personnel in making arrests for such violations.

(3) Submit affidavits to the courts regarding such violations.

(d) In enforcing the provisions of this Code, the Mayor, Chief of Police, municipal police force and/or the Director or his authorized agents are authorized to enter private property without warrant to pursue, capture, or otherwise apprehend animals subject to impoundment or restraint under the provisions of this chapter. If an animal enters an uninhabited structure and the officer can safely gain entry in the same manner as the animal, the officer may enter the structure to capture the animal. If the animal enters the

structure through an opening such as a window, hole in the wall or like entrance, the structure will be secured and the officer will obtain permission to enter from the owner/tenant or obtain a warrant to enter the structure. If human safety is a legitimate and immediate concern, the officer may enter the uninhabited structure to capture the animal. This authority to enter does not include inhabited structures unless other justifications dictate immediate entry.

(e) The Mayor, municipal law enforcement officers, and animal control officers have the authority to enforce provisions of this section.

(f) For any prosecution of a violation of this chapter which results in a conviction, district attorney probation, or nole contendere, there shall be an administrative fee of twenty dollars (\$20.00) in addition to any other fees. This fee shall be dedicated to the operation of the DeSoto Parish animal services facility until the Mayor and City Council change the dedication and shall not be waived.

Interference with enforcement.

Any person who violates any provisions of these sections or who shall hinder or interfere with any officer or animal facility agent for the city in the performance of any duty provided, upon conviction in mayor's court, will be deemed guilty of a misdemeanor and may be fined up to one hundred fifty dollars (\$150.00) or fifteen (15) days in jail, at the discretion of the mayor.

(Ord. No. 2-2004, §§ I-IV, 3-8-04)

***State Law references.** 14-102:13 – hearing to determine if dog is dangerous or vicious 14-102:14A – unlawful ownership of a dangerous dog; 14-102:15A – unlawful ownership of a vicious dog; 14-102-16-18 – seizure and destruction or disposition of dangerous or vicious dogs et. seq.

Dangerous dog, vicious dog.

(A) Dangerous dogs.

(1) The Mayor, Chief of Police and/or the Director or his designated agents may investigate reported incidents involving dogs that may be "dangerous". Upon such investigation, if it is determined that the dog is deemed a dangerous dog as defined in this section, said dog shall be so classified. The owner shall receive written notification of the Animal Facility's classification of the animal. A record of the dog will be maintained in the dangerous dog data base and file system at the Animal Facility.

(2) Appeal process.

a. Any owner aggrieved by a decision to classify the dog as "dangerous" may appeal that classification to the Mansfield City Council in the absence of a designated Animal Control Advisory Committee within ten (10) days of notification. The appeal must be heard by the City Council in the absence of a designated Animal Control Advisory Committee at its next regularly scheduled meeting once the owner has submitted a notice of appeal. The classification of a dog as "dangerous" shall be revoked only by a majority vote of the City Council in the absence of a designated Animal Control Advisory Committee.

b. Any person aggrieved by any action of the City Council in the absence of a designated Animal Control Advisory Committee may appeal said action to the Forty-Second Judicial Court as stated in LA R.S. 102:13.

c. If the owner fails to appeal the classification, all restrictions concerning the dangerous dog must be adhered to. Failure to abide by the restrictions will result in the seizure of the dog by the Mayor, Chief of Police and/or the Director or his designated agents. Upon seizure, the dog will become the property of the Animal Facility and humanely euthanized as deemed appropriate by the Director.

(3) The owner of a dog that has been classified as dangerous shall abide by the following mandates within thirty (30) days after the dog has been so classified:

a. A dangerous dog collar with owner identification tag shall be purchased and affixed to the dog to be worn at all times.

b. The owner must have the animal micro-chipped and register the micro-chip of a dog that is deemed dangerous.

c. The owner shall immediately notify the Chief of Police and the Animal services facility Director when a dangerous dog:

1. Is loose or unconfined;

2. Has bitten a human being or attacked another animal;
 3. Was sold, given away, or died; or
 4. Has moved to another address.
- d. A dangerous dog must be securely confined indoors or in a securely fenced enclosure and locked pen or structure, suitable to prevent the dog from coming into contact with either a human being other than the owner or any other animal, and designed to prevent the animal from escaping. The pen or structure must have minimum dimensions of six (6) feet by eight (8) feet or an enclosure not less than forty-eight (48) square feet. Such pen shall have secure sides of sufficient design to prevent the dog from escaping over, under, or through the structure. The enclosure shall provide a humane existence for the dog and protection from the elements. The pen shall meet all of the requirements of a dog pen. The enclosures must be physical in nature, not invisible or electronic.
- e. The owner shall prominently display signs around the secure enclosure no more than thirty (30) feet apart and at each normal point of ingress and egress to be purchased at the owner's expense. The signs shall bear the words "Dangerous Dog" or "Beware of Dog" in letters at least three and one-half inches high and shall be so placed as to be readily visible to any person approaching the secure enclosure.
- f. A dangerous dog may be off the owner's premises or out of its enclosure only if it is muzzled and restrained by a substantial chain or leash not exceeding four (4) feet in length and under the control of an adult (has attained the age of eighteen (18) years). The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.
- g. The animal services Facility, in its discretion, may require a dangerous dog to be spayed or neutered.
- h. The animal services Facility, in the exercise of its discretion, shall have the authority to make whatever inspections are deemed necessary to ensure that the provisions recited herein are complied with.
- i. Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and phone number of the new owner to the Animal Facility. Each owner shall execute a document to be supplied by the Animal Facility, acknowledging that said owner is aware of the "dangerous dog" classification, and that said owner shall comply with the requirements of this title.
- j. An owner of a dangerous dog shall have the option to have said dog humanely euthanized at his expense by the Animal Facility or licensed veterinarian if said owner is unable to comply with the requirements recited herein.
- k. It shall be unlawful for any person to keep, harbor or possess a dangerous animal on a porch, patio or in any part of a house or building that would allow the animal to exit or escape of its own volition. Screened windows or screened doors alone are considered inadequate.
- l. The Animal Facility shall have the right to inspect the premises of dangerous animals' enclosures to ensure compliance with this part.
- m. The owner or keeper shall sign a hold-harmless and indemnification clause in favor of the city.
- n. If the Mayor, Chief of Police or the animal control facility reasonably believe that an owner cannot or will not abide by the above requirements, the dog may be seized by the municipal police and/or Animal Facility Director or one of his designated agents.
- (4) Continuation of declaration as a "dangerous dog": Any dog which has been declared a dangerous dog by any agency or department of this parish, another parish, municipality, county or state shall be subject to the provisions of this chapter for the remainder of its life. The person who owns or possesses any dog declared a dangerous dog by any parish, municipality, county, or state government must notify the Chief of Police and/or the Animal Services Facility, if so delegated, of the dog's address and restrictions of maintenance, within ten (10) days of moving the animal into the parish. The restrictions and conditions of maintenance of any dog declared dangerous by this parish, another parish, city, county or state will continue to remain in force while the dog is in this parish.
- (B) Vicious dog.
- (1) A dog will not be classified as "vicious" if the threat, injury or damage was sustained by a person who, at the time, was unlawfully on the property with the intent to commit a crime or tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or if the dog was defending or protecting its owner from unjustified attack or assault, or was protecting or defending its

young or other animals from harm or attack, however the dog will be quarantined at the Animal Facility for observation a minimum of ten (10) days to determine if the animal exhibits any sign of rabies.

(2) The Mayor, Chief of Police and/or Animal Services Facility Director or his designated agents may investigate reported incidents involving dogs that may be vicious. Upon such investigation, if the Animal Services Facility Director or his designated agent finds the dog to constitute a "vicious dog" as defined in this title said dog shall be so classified. The owner shall receive written notification of the Animal Services Facility's classification of the animal. Said notification shall include the procedure for appeal through the City Council in the absence of a designated Animal Control Advisory Committee.

(3) Any dog that has been classified as "vicious" shall be impounded by the Mayor, Chief of Police and/or Animal Services Facility. The animal will be kept at the Animal Services Facility and placed in rabies quarantine, if necessary, for the proper length of time, or held for ten (10) days after the owner's receipt of notification, and then shall be humanely euthanized unless the owner initiates an appeal procedure within this ten-day period.

(4) Appeal process.

a. The animal will remain impounded at the Animal Services Facility until such time as the City Council in the absence of a designated Animal Control Advisory Committee hears and decides the appeal of the owner. The appeal must be heard by the City Council in the absence of a designated Animal Control Advisory Committee at its next regularly scheduled meeting after the owner has submitted a notice of appeal.

b. The classification of a dog as "vicious" shall be revoked only by a majority vote of the City Council in the absence of a designated Animal Control Advisory Committee. If the board does not revoke the "vicious dog" classification, the dog will be kept an additional ten (10) days pending a request for appeal by the owner. If an appeal is not requested the dog will then be humanely euthanized at the expense of the owner by the Animal Services Facility. If the City Council in the absence of a designated Animal Control Advisory Committee revokes the "vicious" dog classification, such dog shall then be classified as "dangerous"; and its owner shall be required to comply with subsection entitled "Dangerous dog, vicious dog, (a). The owner must be present or legally represented at the hearing or any right to the appeal will be deemed waived and the ruling will be final.

c. Any person aggrieved by any action of the City Council in the absence of a designated Animal Control Advisory Committee may appeal said action to the Forty-Second Judicial Court as stated in section entitled "Owners responsibilities" of this chapter.

d. The owner will be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal at the Animal Services Facility through the appeals process.

***State law references:** R.S. 14-102.5; dog fighting; training and possession of dogs for fighting et. seq 14-102.8 – injuring or killing of a police animal.

Dog fighting

A. No person shall intentionally do any of the following:

- (1) For amusement or gain, cause any dog to fight with another dog, or cause any dogs to injure each other.
- (2) Permit any act in violation of Paragraph (1) to be done on any premises under his charge or control, or aid or abet any such act.
- (3) Promote, stage, advertise, or be employed at a dog fighting exhibition.
- (4) Sell a ticket of admission or receive money for the admission of any person to any place used, or about to be used, for any activity described in Paragraph (2).
- (5) Own, manage, or operate any facility kept or used for the purpose of dog fighting.
- (6) Knowingly attend as a spectator at any organized dog fighting event.
- (7) Own, possess, keep, or train a dog for the purpose of dog fighting.
- (8) Injure, maim, or kill a police animal by the intentional infliction of great bodily harm and/or permanent disability upon said animal.

Animal Control Advisory Committee.

(a) The Mayor, with the approval of the City Council shall designate an Animal Control Advisory Committee which shall serve without pay, meet not less than six (6) times per year and shall consist of six (6) persons including a veterinarian actively practicing in DeSoto Parish for a minimum of four (4) years immediately preceding his/her appointment, if such person will consent to serve, a law enforcement officer from a law enforcement agency located in the City and four (4) at large citizen(s) of the City. The Director of the animal services control department shall serve as an ex-officio, non-voting member of the board.

(b) The Animal Control Advisory Committee shall:

(1) Conduct hearings pursuant to duly adopted procedures to consider the Director decision of declaring any animal vicious as specified in Section entitled "Owners responsibilities" of this Code and to require owners of vicious animals to have the same destroyed or surrendered to the Director to be humanely euthanized;

(2) Conduct hearings pursuant to duly adopted procedures to consider the Director's decision of declaring any dog as dangerous as specified in Section entitled "Owners Responsibilities" of this Code and instruct the owners of the dangerous dogs to either adhere to the requirements as set forth, have the dog euthanized, or surrender it to the Animal Facility Director, or his designated agents; with restrictions as set forth:

(3) Elect from its voting members a chairman whose term shall run from January 1 through December 31 of each year; and

(4) Operate in all respects as a public body as contemplated by R.S. 42:4.2 and 44:1.

(c) The terms of the members of the board shall be from two (2) to four (4) years after December 31, 2011; and thereafter the terms shall be four (4) years; with the respective terms to be determined by lot, with two initial members having a two (2) year term, two initial members having a three (3) year term and two initial members having a four (4) year term. Each member appointed after the initial members shall serve for a term of four (4) years. Upon the occurrence of any vacancy, the Mayor, with the approval of the City Council shall appoint a person from the same category as the person vacating the position to fill the unexpired term.

(d) Board members may be removed from office for cause. Such cause shall include but not be limited to failure to attend three (3) consecutive meetings of the board, or a majority of the meetings held by the board during a calendar year, or a clearly demonstrated conflict of interest.

***State law reference:** LA. Administrative Code Title 76, §115.

Keeping of wild, exotic or vicious animals.

(a) For the purpose of this section, the following shall be designated wild or exotic animals: tigers, lions, cougars, leopards, jaguars, cheetahs, lynx, bobcats, bears, wolves, chimpanzees, gorillas, orangutans, poisonous snakes, komodo dragons, African buffalo, hyenas, coyotes, deer, or any other member of crocodylian, including but not limited to alligators, crocodiles and gavials any other species of nonhuman primates, raccoons, skunks, squirrels, foxes, ratite birds, hybrid species consisting of wolves, coyotes, or jackals interbred with domestic dogs and ocelots or margays interbred with domestic cats.

(b) No person shall keep or permit to be kept on his premises any vicious, wild, or exotic animal for display or for exhibition purposes whether gratuitously or for a fee.

(c) No person shall keep or permit to be kept on his premises any wild or exotic animal as a pet as defined in this section.

(d) No person shall take or possess any wild animal by illegal methods.

(e) No person may offer for sale a wild or exotic animal as defined in this section.

(f) Qualified educational institutions, zoological parks, public-operated parks or displays, performing animal exhibitions, circuses, scientific organizations, veterinary clinics, law enforcement and commercial guard dogs shall be exempt from this section.

(g) Dual violations. Violations of this section shall be dual violations in reference to violations of Title 56 of the Louisiana Department of Wildlife and Fisheries.

***State law reference:** LA. Administrative Code Title 76, Part XV.

Keeping of snakes.

(a) Shall be by permit issued by the Department of Wildlife and Fisheries except for animals kept by animal sanctuaries, zoos, aquariums, wildlife research centers, scientific organizations, and medical research facilities as defined in the Animal Welfare Act as found in the United States Code Title 7, Chapter 54, 2132(e).

(b) Pythons and boas of any type in excess of three (3) feet must be registered with the Animal Services Facility.

(c) The owner/caretaker must notify the Animal Services Facility if any snake covered in this section escapes, dies, or has a change of ownership.

DIVISION 2. DOGS, CATS VACCINATION AND RABIES CONTROL

Required Anti-Rabies Vaccination

The owner or keeper of a companion animal shall cause said animal to be vaccinated with approved anti-rabies vaccine, the first to be administered at or about twelve (12) weeks of age, the second to be administered at or about one year after the initial vaccination and every year thereafter by a state licensed veterinarian. A rabies vaccination tag evidencing such vaccination is affixed to the collar or harness. Veterinarians shall not issue a rabies vaccination certificate or tag unless the dog or cat has been properly vaccinated. Any animal not vaccinated according to this section shall be subject to impoundment.

Certificate of Vaccination

When the veterinarian inoculates a companion animal pursuant to the provisions of this division, he shall present its owner or keeper with a certificate of vaccination which shall contain such person's name and address, a description of the companion animal by sex, color, approximate age, color, and breed, if known; the date of vaccination, and the rabies tag with serial number.

A vaccination tag bearing the same number as the certificate as referred to in section entitled "Required Anti-rabies vaccination" shall be securely fastened at all times to the collar and worn by such companion animal at all times when not confined in the owner's home or in an enclosed pen on the owner's property.

The owner or keeper of a companion animal shall exhibit to all animal control agents and officers of the parish such certificate whenever called upon to do so.

(Code 1978, §5-47; Ord. of 3-3-1926, §§ 2, 7)

***State law references:** Rabies control, R.S. 40:1275 et seq.

Confinement of rabies and suspect animal.

The owner of any animal that has symptoms of rabies or has been exposed to rabies or has bitten or scratched anyone, whether the animal be on or off the owner's private property, whether vaccinated or not, shall hereby notify the Chief of Police and/or animal facility Director or his designated agents, and on demand, transfer the animal to the Animal Services Facility for the purposes of observation. All charges related to the observation/quarantine period shall be paid in full, in advance, at the time of transfer. However, if the owner chooses, he may transfer the animal to a veterinary clinic for observation for a period not less than ten (10) days and provide the Animal Facility with proof thereof at the time of transfer.

Holding/Boarding Period.

An animal wearing a collar impounded at the animal services facility shall be kept for a period of seven (7) days excluding weekends and holidays, and unless claimed by its owner in said time, all rights of the animal held by the owner shall be forfeited and title to the animal shall pass to the Animal Services Facility. All animals not claimed after the ten-day observation/quarantine period shall also be considered forfeited. Failure by an owner to claim an animal, traceable to that owner by means of a rabies tag, microchip, or owner acknowledgement, does not relieve said owner of charges and penalties assessed

and established by resolution of the Mayor, City Council and Animal Services Director, as provided for herein. Repeated offenses will incur additional fees and penalties.

Redemption and micro-chipping.

The owner upon producing satisfactory proof of ownership may reclaim his animal upon complying with the vaccination, collar, tag, and violation penalties, as provided for in this article, together with the payment of impoundment and board expenses as set by established resolution of a "Fee Schedule" by the Mayor, City Council and Animal Services Director. All animals adopted or reclaimed which do not already have implanted in them a microchip; owners shall have the option of purchasing a microchip per the established resolution of a "Fee Schedule" by the Mayor, City Council and Animal Services Director, implanted in them prior to release at the owner's expense.

Adoption.

Any adoptable animal held by the Animal Services Facility may be adopted on site or off-site at an adoption event by a new owner provided the Director or his designated agents deem it suitable for release and the prospective owner agrees to the adoption contract set by the City Council and makes payment of all fees imposed. No dog or cat shall be released for adoption without being spayed or neutered or without written agreement from the adopter guaranteeing that the animal will be altered within a specified time.

Sterilization required.

(a) Provisions shall be made for the sterilization of all dogs and cats sold or released for adoption or purchased from any public or private animal facility:

(1) Providing sterilization by a Louisiana licensed veterinarian before relinquishing custody of the animal;
(2) Entering into a written agreement with the adopter or purchaser guaranteeing that sterilization will be performed by a Louisiana licensed veterinarian in compliance with a sterilization agreement that shall contain the following information:

- a. The date of the agreement;
- b. The name, address, and signature of the releasing agency and the adopter;
- c. A description of the animal to be adopted;
- d. A sterilization completion date which shall be either:

The thirtieth (30th) day after the date of adoption in the case of an adult animal,

The thirtieth (30th) day after a specified date estimated to be the date an adopted infant female or male puppy or kitten becomes six (6) months of age,

e. A statement printed in conspicuous bold print, that sterilization of the animal is required under this article and LS R.S. 3:2472.

(b) Except as provided by this subsection, an adopter that signs an agreement under this article shall have the adopted animal sterilized on or before the sterilization date stated in the agreement. If the sterilization completion date stated in the agreement falls on Saturday, Sunday, or legal holiday, the deadline shall be extended to the first day that is not a Saturday, Sunday, or legal holiday. The releasing agency may extend the deadline for thirty (30) days on the presentation of a letter or telephone report from a Louisiana licensed veterinarian stating that the life or health of the adopted animal may be jeopardized by sterilization. There shall be no limit to the number of extensions that may be granted for this reason.

Confirmation of sterilization.

The releasing animal facility shall consider the animal sterilized upon receipt of written confirmation signed by the Louisiana licensed veterinarian who performed the sterilization.

Exceptions.

(a) The sterilization requirements of this article do not apply to a dog or cat that is claimed from a releasing agency by a person who already owns the animal.

(b) The provisions of this article shall not apply to animals sold or released from any humane society, public or private shelter, or animal control agency to the United States armed forces, police or other law

enforcement agencies, licensed veterinary facilities, or to licensed medical facilities.

Applicability of chapter to existing conditions.

All portions of this chapter are effective immediately upon passage and enactment of said chapter.

§102.26. Unlawful restraint of a dog; definitions; penalties

A. As used in this Section:

- (1) "Collar" means any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.
- (2) "Owner" means a person who owns or has custody or control of a dog.
- (3) "Properly fitted" means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.
- (4) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

B. It shall be unlawful to tie, tether, or restrain any animal in a manner that is inhumane, cruel, or detrimental to its welfare.

C. The provisions of this Section shall not apply to any of the following:

- (1) Accepted veterinary practices.
- (2) Activities carried on for scientific or medical research governed by accepted standards.
- (3) A dog restrained to a running line, pulley, or trolley system and is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar.

(4) A dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction.

(5) A dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog.

(6) A dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock.

(7) A dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products if the restraint is reasonably necessary for the safety of the dog.

(8) A dog being restrained and walked with a hand-held leash regardless of the type of collar being used.

D. Whoever violates the provisions of this Section shall be fined not more than three hundred dollars.

Acts 2010, No. 977, §1.



You Can Help!



20 Ways to Help

Adopt a Rescued Dog

Build Fences

Build Trolleys

Care for Dogs

Donate Money

Educate Kids

Find Homes for Rescued Dogs

Get Handouts & Merchandise

Learn the Facts

Pass Laws

Talk to Chained Dog Owners

Watch Celebrity PSAs:

Chaining/Dogfighting Dogfighting

Watch Chaining Presentation

Help Dogs Deserve Better turn Michael Vick's dogfighting property into a home for rescued dogs!



Installing a Trolley System

Easiest Method | Real Cases | How to Sink a Post

A trolley isn't the best solution for helping a chained dog! Please consider building a fence or bringing your dog inside. Dogs need to be able to run free. You wouldn't want to live on a chain, and neither does your dog!

If your dog is a fence-jumper, there are alternatives to chaining your dog.

However, a trolley/dog run is better than a fixed chain. Your dog will be attached by a leash to a line like a clothesline. The leash is attached to the line by a rolling trolley. The dog can run back and forth the length of the line.

You can buy dog runs from Petsmart, Walmart and other pet and discount stores. Trolley kits include easy instructions. You can also buy the individual parts to a trolley (line, trolley, hooks for the posts/trees) at home improvement stores such as Home Depot or Lowe's.



We think the best trolley is: Prestige® Skyline Aerial Dog Run. The attachments are made of metal rather than plastic, so they are stronger and less likely to break. You can attach a stronger downline (leash), such as the Prestige Beast Tie-Out to the trolley for strong dogs.

[top]

The Easiest Method

The easiest way is to run the trolley between two trees. If you don't have two trees, you can easily sink posts into the ground and run the trolley between the posts. Or you can use a tree and one post.

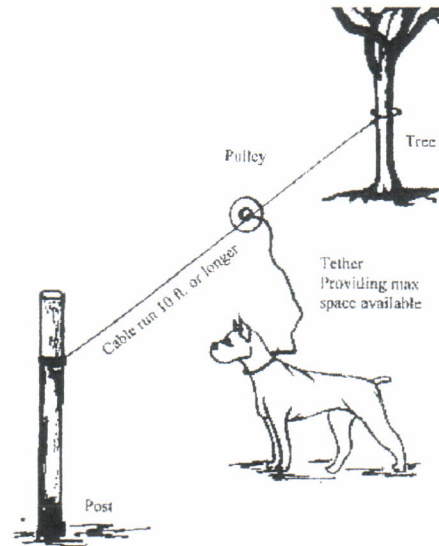
Important!

Put the trolley in a place where your dog won't get tangled up or be able to jump a fence. If your dog jumps over a fence on his leash, he could be hung.

The trolley kit should include "stoppers" you can put anywhere on the line to stop the trolley. If you want the dog to stop four feet from one end of the line, put a stopper four feet from the end of the line. The trolley won't be able to get past the stopper.



You can buy extra stoppers at home improvement stores. Ask for rope clamps. Pick the size that works best for the size of your line. If the clamp is too big, it will slide around.



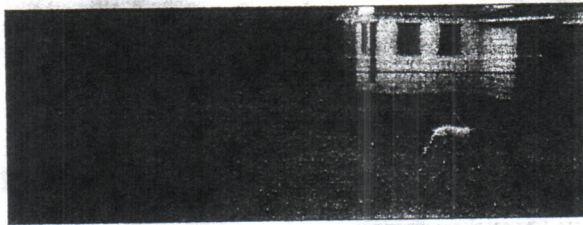
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Real Cases: Lady and Maggie

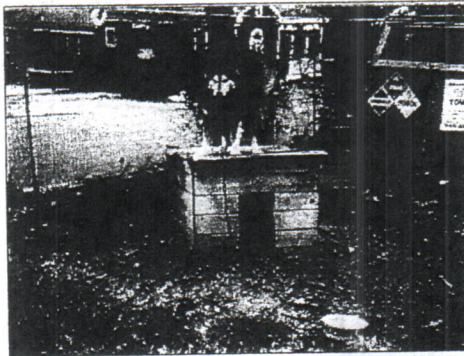
Here's how Lady's and Maggie's lives were improved by installing a trolley.



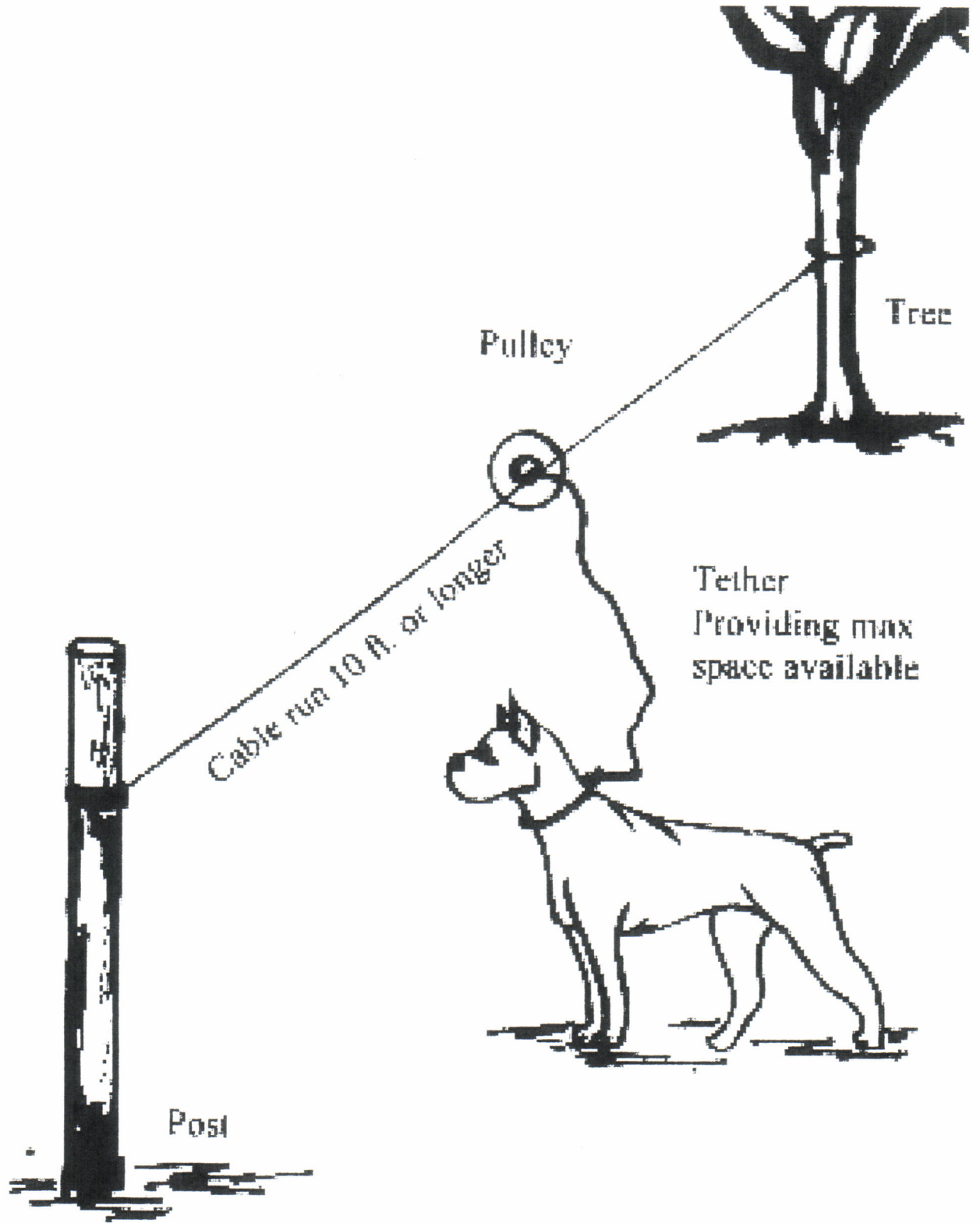
Lady, before: Lady was chained to this clothesline post. Her yard is not fenced and the owner isn't planning to install one.

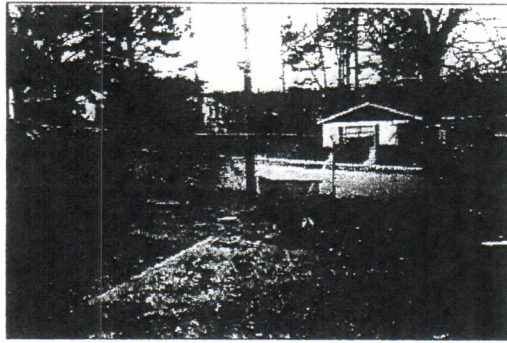


Lady, after: We ran the trolley between the two clothesline posts that were already in place. Now, Lady has about 10 times more area to run around in. She loves running on her trolley (though she would love a fenced yard a lot more!)



Maggie, before: Maggie was chained next to her doghouse for six years. Her chain was about six feet long. Maggie's guardian doesn't want her to have access to the entire yard.





Maggie after: We ran her trolley between a tree and a post we installed. Because Maggie can jump the fence, we had to keep her from getting too close to the fence. Otherwise, she could jump over and hang herself. We put a stopper (rope clamp) on the line a few feet from the fence. The stopper keeps Maggie from getting too close to the fence. Now, Maggie has much more room, and RUNS back and forth on her line. She seems to enjoy having her choice of spots to curl up and sleep now.

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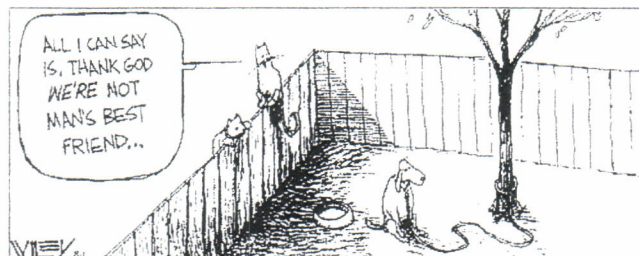
How to Set a Post

Materials:

- Strong wooden post. The post should be long enough to allow for about 1.5 feet under the ground, and 5-7 feet above ground. Ideally, the post should be tall enough for someone to walk under the trolley line. The post needs to be several inches thick so it won't snap.
- One 40 lb. bag of concrete mix is plenty for one post. You can use quick-set.
- Stick or dowel.
- Water from a bucket or hose.
- Shovel or post-hole digger.

Instructions:

1. Dig a hole for the post. The post needs to be at least 1 1/2 or two feet underground.
2. Put a few rocks in the bottom of the hole, then set the post in the hole. It's easiest if you have someone to hold the post in the center of the hole.
3. Pour about one-third of the concrete mix into the hole (pour it around the post). Pour about half a gallon of water into the hole and stir the concrete around with the stick.
4. Keep adding concrete mix and stirring in water until the hole is filled with the concrete mix. Refer to the directions on the package.
5. Cover the concrete with the dirt from the hole you dug. Pile dirt or rocks around the bottom of the post to keep it in place while the concrete sets.
6. In 24 hours, your post should be set with regular concrete. With quick-set, your post will be ready in an hour.



[Back to top]